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Prevention of armed conflict

The situation in the occupied territories of Azerbaijan

**Protracted conflicts in the GUAM area and their
implications for international peace, security and
development**

Right of peoples to self-determination

**Cooperation between the United Nations and regional
and other organizations: Cooperation between the
United Nations and the Organization for Security and
Cooperation in Europe**

Security Council
Sixty-first year

**Letter dated 22 December 2006 from the Permanent Representative
of Armenia to the United Nations addressed to the Secretary-General**

I am writing with reference to three letters (A/61/627-S/2006/966, A/61/628-S/2006/967 and A/61/629-S/2006/968) submitted by Azerbaijan on the constitutional referendum conducted on 10 December 2006 in Nagorno Karabagh.

In the situation of no-war-no-peace that has prevailed for over 15 years now, the people and authorities of Nagorno Karabagh, to their credit, have managed to build an effective governance system, lay down foundations for political institutions, develop legislation in accordance with international standards, appoint their authorities at all levels through elections and adhere to international humanitarian law. The people of Nagorno Karabagh have demonstrated their unswerving ability to rule themselves, to protect their territory and freedom and to meet their international commitments, such as upholding the ceasefire. In their continuous efforts to build a democratic society, they have recognized the need for a basic legal framework, and have adopted the internationally recognized practice of holding a referendum as the only acceptable way to achieve collective decision-making in any society based on the rule of law.

Thus holding the referendum was a necessary and overdue step to establish a basic legal framework for the normal functioning of society. It shall in no way be interpreted as a referendum on a status-related issue, which is the core element of



the negotiations within the Organization for Security and Cooperation in Europe (OSCE) Minsk Group.

The rejection of the democratic aspirations of the people of Nagorno Karabagh as an obstruction to the peace process is misguided and counterproductive. The adoption of proper legislation and basic laws, such as a constitution, is a prerequisite for the lawful existence of any society, regardless of its current status.

What really obstructs the peace process is Azerbaijan's avoidance of direct negotiations with the authorities of Nagorno Karabagh, its recurring belligerent calls and persistent efforts to sidetrack the Minsk Group negotiation process.

The Republic of Armenia remains strongly committed to the Nagorno Karabagh peace process within the OSCE Minsk Group, which is the only proper framework for the resolution of the Nagorno Karabagh conflict, and will respect all the agreements reached in that process.

I should be grateful if you would have the present letter circulated as a document of the sixty-first session of the General Assembly, under agenda items 11, 17, 27, 66 and 108 (o), and of the Security Council.

(Signed) Armen **Martirosyan**
Ambassador
Permanent Representative



Security Council

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**Letter dated 18 December 2006 from the Chairman of the
Security Council Committee established pursuant to resolution
1373 (2001) concerning counter-terrorism addressed to the
President of the Security Council**

The Counter-Terrorism Committee has received the attached fifth report of Armenia submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as the response of Armenia to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present and its annex to be circulated as a document of the Security Council.

(Signed) Ellen Margrethe Løj
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 12 December 2006 from the Permanent Representative of Armenia to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

Upon instructions from my Government, I have the honour to transmit the fifth report of the Government of Armenia to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (see enclosure).

The Government of Armenia attaches great importance to its cooperation with the Committee and stands ready to provide the latter with any information that it may deem necessary.

(Signed) Armen **Martirosyan**
Ambassador
Permanent Representative

Enclosure**Fifth report of the Republic of Armenia to the Security Council
Committee established pursuant to resolution 1373 (2001)
concerning counter-terrorism****Implementation Measures****Effectiveness in the protection of financial systems****1.1**

Article 217.1 of the Criminal Code is applicable to financing of terrorist acts even if the funds in question were never utilized in the perpetration of the act, or even in cases where no attempt is ever made to perpetrate the act.

The noted article reads as follows: "The financing of terrorism - provision or collection of funds for committing terrorism". Thus, to qualify any act of collecting or providing funds as financing of terrorism it is only necessary to prove the existence of an aim (intent) of committing terrorism. So, perpetrating or attempt to perpetrate terrorism is not a necessary element in corpus delict of terrorism financing.

Furthermore, according to Article 33 (2) of the RA Criminal Code (*Completed and Unfinished Crime*) attempt to commit a crime and preparation of grave and particularly grave crimes are considered as non-accomplished crime.

According to part 3 of the same Article the liability for attempts to commit a crime and preparation of crime is foreseen under the same article of the Special Part of the Criminal Code as for completed crimes, referring to Articles 34 (*Attempt to Commit a Crime*) or 35 (*Preparation of Crime*) of the Code.

According to Article 34 of the Code as an attempt at a crime is considered the action (inaction) committed through direct wilfulness immediately aimed at the committal of crime, if the crime was not carried out for reasons beyond the person's control. And according to Article 35 preparation of a crime is the procurement of means or tools or their adaptation for committal of a direct willful crime, as well as willful creation of other conditions for committal of crime, if the crime was not accomplished for reasons beyond the person's control.

According to Article 19 (4) of the Code (*Types of Crime*) as grave crimes are considered those willful acts for which the Code envisages punishment as maximum not exceeding ten years of imprisonment. And according to Part 5 of the same Article Particularly grave crimes are those willful acts for which the Code envisages imprisonment for more than ten years or for life maximum.

From Parts 4 and 5 of Article 19 of the Criminal Code it follows that the act prescribed by Part 1 of Article 217' of the Code (*Financing of Terrorism*) is considered as grave crime, and the act prescribed by Part 2 of the same Article- as particularly grave crime.

It follows from the aforementioned that for financing of terrorism, prescribed by Article 217' of the Criminal Code: for an attempt of allocation or collection of financial resources for execution of a terrorist act or an attempt of crime preparation the person(s) is(are) subject to criminal liability irrespective of the fact if those financial assets were ever used for financing of terrorist act or not, or the fact whether there was an attempt to perpetrate a terrorist act or not.

Certain exceptions from this rule are foreseen under Article 36, which appears as follows:

1. Voluntary refusal is the termination by the person of preparation or termination of action (inaction) directly aimed at the committal of crime, when the person realized the possibility of completion of the crime.
2. The person who refused to complete the crime is not subject to criminal liability, unless his actually committed act contains other elements of crime.
3. If the organizer of the crime, the abettor or helper voluntarily refuse from committing an act of crime, they are not subject to criminal liability, provided this person informed the state bodies or through other means and prevented the completion of the crime by the perpetrator.
4. If the actions mentioned in part 3 of this Article did not prevent the committal of the crime by the perpetrator, then, when sentencing, these actions can serve as circumstances mitigating the liability and the sentence.

1.2

The Law on Fight against Legalization of Illegal Income and Financing of Terrorism (hereinafter – the AML/CFT law) with its Article 3 defines the offence of money-laundering (laundering of illicit proceeds).

Acts aimed at money-laundering, which include exchange or transfer of property obtained as a result of a crime, concealment of the actual source of the origin of the property, concealment of the placement, the movement or the right over the property are criminalized under Article 190 of the Criminal Code which reads as follows:

Article 190. Legitimizing (legalizing) illegally obtained income.

1. *Financial or other transactions with obviously illegally obtained financial resources or other property for the purpose of using such funds or property for entrepreneurial or other economic activity, to conceal or distort the essence, origin and whereabouts of these assets or rights pertaining to them, their placement, movement or actual identity, is punished with a fine in the amount of 300 to 500 times the minimum monthly wage, or with imprisonment for the term of up to 4 years with or without a fine in the amount of 50 times the minimum monthly wage.*

2. *The same action if committed:*

1) *using large amounts,*

2) *by a group upon prior agreement*

is punished by imprisonment for the term of 4 to 8 years, with or without property confiscation.

3. *The action envisaged in part 1 or 2 of this Article which was committed:*

1. *using particularly large amounts,*

2. *by an organized group,*

3) *and through abuse of official position,*

is punished with imprisonment for the term of 6 to 12 years, with or without property confiscation.

4. *For the purposes of this Article, by large amounts we mean an amount (value) exceeding 1000 times the minimum monthly wage, while particularly large amount exceeds 3000 times the minimum monthly wage.*

1.3

According to Article 10 of AML/CFT law the Central Bank is the authorized body of the Fight against Legalizing the Illegal Income and Financing of Terrorism. The Central Bank (CBA) performs obligatory supervision of the process of information submission, analyzes the information on suspicious transactions provided by authorities involved in reports' submission and in case of suspect on Legalizing the Illegal Income and Financing of Terrorism, as well as of an attempt to it, the Bank informs the appropriate Body implementing criminal persecution in order to take measures prescribed by the law. The Central Bank is entitled to suspend or terminate any transaction of the account. Article 18 of the AML/CFT law sets: "The reporting persons, on the basis of the decision of the Central Bank, shall suspend or terminate transactions with those accounts which are suspected in turnover of illicit proceeds and financing of terrorism". Thus, the Board of the Central Bank implements a practice of suspending or terminating any transaction with an account suspected in money-laundering.

The issue of freezing accounts suspected in turnover of Illegal assets and terrorism financing is regulated also by Articles 232-234 of the RA Criminal Procedure Code, which enables to arrest (freeze) promptly those financial assets, irrespective of their origin, which belong to persons linked to terrorist activities.

Article 233 (2) of the Criminal Procedure Code envisages those authorized bodies upon the decree of which arrest (freezing) is applied to the financial assets (and other property). The

investigating body, the investigator and the prosecutor appear as such authorities. Moreover, such a decree should specify the property subject to arrest.

1.4

Financial institutions are required to prevent terrorist financing and money-laundering by the AML/CFT law. This law sets the following relevant provisions:

- the list of reporting financial institutions (Article 3);
- reporting requirement of financial institutions about the threshold and suspicious transactions (Article 6, 7);
- client identification standards for financial institutions (Article 9);
- liability of financial institutions to suspend or terminate suspicious transactions, etc.

The Law on the Payment and Settlement Systems and Payment and Settlement Organizations (PSS/PSO) stipulates the order and conditions of supervision over the payment and settlement systems (PSS) and the payment and settlement organizations (PSO).

According to Article 13 of the abovementioned Law the Central Bank shall carry out supervision of PSS and of PSS participants' activities within the territory of the Republic of Armenia. The Central Bank is entitled to require both from the parties of Armenian and foreign payments systems to submit information concerning the providing of payment services, even if that information contains a bank, trade or other related secret. The Central Bank performs that control through the reports submitted by the above-mentioned PS parties and through inspections held in place.

Furthermore, Article 16 of the Law stipulates that the Armenian PSS operator shall release information on PSS activities, as per form and frequency established by CBA Board.

The PS organizations in order and terms stipulated by the CBA Board shall make financial reports stipulated by Laws and Legal Acts of the Republic of Armenia, as well as other reports stipulated by the CBA Board, shall further release such reports and submit them to the CBA. The implementation of the aforementioned requirements is aimed at prevention of terrorism financing and money-laundering.

Every year the activities of a PS organization carried out in the PS field are reviewed by an independent auditing organization entitled to carry out auditing activities. For infringement of laws or other legal acts the Central Bank may apply liability measures towards the PS organization, up to the suspension of validity of license or revocation of license (Article 27).

For the violation of the rules of accounting treatment, the procedure and terms and conditions for presentation and release of financial accounts and/or other information, as well as for indicating false or inaccurate data in the documents mentioned above, the CBA shall issue warning and assignment to remedy the infringement.

According to Article 27 (4) of the PSS/PSO Law, CBA may withdraw certificate of qualification from managers of PSO, in particular if they:

- have infringed the provisions of the Law and other legal acts or the principles of operation of PSO;
- have taken action, ensuing from personal interest that runs into conflict with the interest of their customers.

1.5

The AML/CFT law includes Notaries in the list of reporting entities (Article 3). The Board of the Central Bank by its decision No 143 of 28.03.2006 confirmed the reporting form, order and terms for Notaries regarding threshold and suspicious transactions. This decision passed for the registration in the Ministry of Justice. The regime of reporting and identifying the suspicion by the Notaries has been activated starting June 2006.

Furthermore, Article 5 (1) of the RA Law on Notary Public of December 4, 2001 was amended by the following provision:

"The Notary Public is obliged to keep in secret the information disclosed to him from the documents ratified or confirmed by him. This obligation shall be maintained after the Notary's discharge as well, except for the cases prescribed by the Law on Fight against Legalization of Illegal Income and Financing of Terrorism".

The same Article was also amended with Point 9: *in cases and order prescribed by the AML/CFT Law the Notary Public is obliged to submit information to the CBA.*

Article 23 (1) was changed and Point 6 was amended:

6). *"Ensure the implementation of the requirements prescribed by the Law on Fight Against Legalization of Illegal Income and Financing of Terrorism of the Republic of Armenia".*

1.6

The Financial Observations (Monitoring) Center (hereinafter - FMC) has similar responsibilities prescribed in Chapter 3, Article 10 of the AML/CFT Law. So, as a national financial intelligence unit, the FMC is responsible to receive, analyze and disseminate the information and disclosures set by the Law.

The FMC, via the Central Bank's Board decision, may without undue delay suspend or terminate any current or future transactions suspected of illegal activity with the aim to freeze funds that are subject to those transactions.

The FMC is already functioning: outlines for reports were worked out, confirmed and submitted to the accountable organizations which periodically submit reports. Required information data is collected with the purpose to analyse transactions performed in large amounts and to increase the efficiency of detecting suspicious transactions. Preparation works are held to sign inter-institutional agreements among all stakeholders to provide effective cooperation between them.

1.7

With the Law HO-57-N of December 14, 2004 the Criminal Procedure Code was amended by Chapter 54' which regulates relationships referring to legal assistance on criminal issues in the absence of international treaties.

Article 482 (1) of the above-mentioned Code stipulates that in case of absence of international agreements on legal assistance in the field of implementation of judicial actions on criminal matters between the Republic of Armenia and a foreign state, legal assistance on criminal matters on the basis of reciprocity between the authorized bodies and officials of the given state and Armenian court, prosecutors, investigators, investigating bodies may be rendered in exceptional cases: in accordance with the agreement on rendering mutual legal assistance on criminal matters on the basis of reciprocity obtained via diplomatic channels. The agreement should be previously agreed upon with:

1. The Ministry of Justice of the Republic of Armenia: with regard to performing judicial actions on criminal cases in trial and implementing the verdict.
2. The General Prosecutor's Office: with regard to performing judicial actions on cases in pre-trial process.

Part 2 of the same Article stipulates that in order prescribed by Part 1 of the same Article contacts and mutual legal assistance between the authorized bodies of the given foreign country and the court, the prosecutor, the investigator and the investigating body of the Republic of Armenia is carried out until signing an international agreement on the relevant issue or until becoming a party of a valid multi-lateral international agreement on mutual assistance in criminal matters simultaneously by the Republic of Armenia and the given foreign country, if the Republic of Armenia or the foreign country have not earlier annulled via diplomatic channels the obtained agreement on rendering legal assistance in criminal matters unilaterally or through a bilateral agreement.

Regarding the question whether Armenia acts upon requests from other countries to freeze funds and properties on the basis of reciprocity, it should be mentioned that the principle in question in the absence of international agreements will be applicable in accordance with the agreement obtained via diplomatic channels on mutual assistance on the basis of reciprocity between a foreign country and the Republic of Armenia, which is prescribed by Article 482 (1) of the Criminal Code. Armenia has not signed such an agreement with a foreign country yet.

It means, that in case of a request from a foreign state the issues of freezing financial assets and other property shall be regulated by the legislation of the Republic of Armenia. At the same time Article 55 of the RA Criminal Code relates not to the question of freezing of amounts and assets, but to the issue of property confiscation as a type of punishment assigned by the court. The Article reads as follows:

Article 55. Confiscation of property.

1. Confiscation of property is the enforced and uncompensated seizure of the property considered to be the convict's property or part thereof in favor of the state.
2. The amount of confiscation is determined by the court, taking into consideration the damage to property inflicted by the crime, as well as amount of criminally acquired property. The amount of confiscation can not exceed the amount of criminally acquired property or profit.
3. Confiscation of property can be assigned in cases envisaged in the Special Part of this Code and for grave and particularly grave crimes committed with mercenary motives.
4. The property necessary for the convict or the persons under his care is not subject to confiscation, in accordance with the list envisaged by law.

1.8

The Law on the System of Payments and Payment Organizations does not contain regulation and registration requirements for foreign exchange bureaus. Foreign exchange bureaus are registered and function in accordance with the Regulation 10 of the Board of the Central Bank.

Foreign exchange bureaus are also included in the list of reporting entities provided by the AML/CFT law. The reporting regime for the foreign exchange bureaus is set by 17.01.2006 No 25 Board decision of the Central Bank and is already in action.

1.9

The Charity Programs Coordination Commission attached to the RA Government is authorised to regulate the relationships arising during the implementation of charity activities. The activities of the Commission are regulated by the Law on Charity of November 14, 2002; by the "Statute of the Charity Programs Coordination Commission of the Government of The Republic of Armenia" confirmed with the Government Decree No 66-N of January 16, 2003; and by the "Order of Registering and Determining Charity Programmes as such".

The twenty-seven members of the Commission are appointed by the Decree of the Prime Minister of the Republic of Armenia, involving one member from the seventeen ministries and state institutions, as well as ten representatives from different charity and public organizations.

Those entities and individual philanthropists who submit an application to the Commission to receive taxation privileges while implementing their programs, in accordance with the above-mentioned order, shall submit their statute and state registration certificate which confirms the fact of being registered in the Ministry of Justice. After that each application shall be discussed with the ministries and institutions relevant to the specific field of the program to be carried out, moreover the conclusion of the Ministry of Finance and Economy is compulsory.

Furthermore, the process and the completion of any program granted with taxation privilege is supervised through comprehensive reports (information) quarterly submitted to the Committee.

Referring to registration requirements and auditing processes of charitable, cultural and religious organizations it should be mentioned that proceeding from organizational-legal aspect charitable and cultural organizations are registered as foundations or NGO-s in the State Register of Legal Entities, yet the religious organizations in order prescribed by law are registered as legal entities of separate organizational-legal form. State registration requirements and auditing processes are reflected in the laws of the Republic of Armenia in the following way:

- In Article 21 (1)(E) of the law on State Registration.

Article 21: Documents required for the purpose of State Registration

1. For the purpose of state registration the following documents shall be submitted by legal entities:

e) The information submitting persons prescribed by the Law on Fight against Legalization of Illegal Income and Financing of Terrorism shall submit a declaration on the legality of the property issued to the legal entity or invested in the statutory or share-collect capital of the latter indicating the consistence, quantity and sources of origin if the value of the issued property exceeds 25 million drams.

After receiving the declaration stipulated in the current point the local sub-division of the State Registration Body in a three-day period shall submit its copy with an ordered letter to the Central Bank of the Republic of Armenia.

In Article 12(2)(6) of the Law on Public Organizations.

Article 12: State Registration of an Organization.

For state registration the organization shall submit the following documents to the state registration body:

6) The information submitting persons prescribed by the Law on Fight against Legalization of Illegal Income and Financing of Terrorism shall submit also a declaration on the legality of the property issued to the legal entity indicating the consistence, quantity, and sources of origin if the value of the issued property exceeds 25 million drams.

After receiving the declaration stipulated in the current point the local sub-division of the State Registration Body shall submit in a three-day period its copy with an ordered letter to the Central Bank of the Republic of Armenia.

In Article 18 (3) of the Law on Public Organizations.

Article 18

Supervision of Organization's Activities.

The State authorized body, and also other state bodies as stipulated by law, shall supervise the compliance of organization's activities with the law, according to the scope of their authority and to the procedures envisaged by law for their inspections and observations.

In Articles 38 (1), 38 (3) and in article 39 of the Law on Foundations.

Article 38. Supervision of Foundation's Activities.

The State authorized body, and in cases stipulated by law also other state bodies, shall supervise the compliance of foundation's activities with the current law, according to the scope of their authority and to the procedures envisaged by law for their inspections and observations.

The foundations after releasing the report stipulated by Article 39 of the current law, within a 15-day period shall notify in a written form the Ministry of Justice of the Republic of Armenia. In case of imperfect release of the report in the determined period the Ministry of Justice shall send to the foundation a written warning suggesting to remedy the infringement in a one-month period.

In case of not releasing the report in the prescribed period or not complying with the requirements of the warning, the Ministry of Justice of the Republic of Armenia may apply to the Court with a request to abolish the Foundation.

Article 39. Publicity of the Foundation's Activities

In a six-month period successive to the end of each financial year the foundation is obliged to make public a report containing information on state registration of legal entities as follows:

1) a report on its activities. The report shall include information on the realized projects, financing sources, overall amount of resources used during the financial year and the part of administrative expenses in it, on the use of the property, names and family names of the members of the trusteeship council, manager and persons involved in the staff of the foundation, if they have used the assets or the services of the foundation during the year under review.

2.) Its annual financial reports.

3.) The conclusion of the person implementing audit (auditor) of financial reports, if the value of the assets of the foundation exceeds ten million drams.

In Article 15 of the Law on Religious Organizations

Article 15

The Bylaws of a Religious Organization shall provide information on the following: the nature and areas of activities; administrative structure; places of worship and ritual objects; initiation of activities; intention of establishing educational and publishing facilities; disposition of assets in case of dissolution and make further provisions for any special needs of the Organization.

Effectiveness of controls preventing access to weapons by terrorists

1.10

The issues related to licensing of the production and acquisition of firearms are regulated by the provisions of the Law on Arms, Law on Licensing, Order of Licensing of Firearms Production and other normative legal acts.

According to Article 9 of the Law on Arms production, trade, acquisition collection or exhibition of firearms in the territory of the Republic of Armenia are subject to licensing, excluding the cases of production and acquisition of firearms by state military organizations (such as the Ministry of Defence, the Police, the National Security Service, the National Courier Service).

The license for the firearms production is issued by the Government of RA, yet the licenses for trade, acquisition, collection or exhibition of firearms are issued by the Police. The local bodies of the police also may issue licenses for firearms acquisition (except for the rifled arms, gas pistols and drum revolver).

The chart of activities subject to licensing mentioned in Article 43 (2) of the Law on Licensing involves also the production and acquisition of firearms. The licensing body for the production of firearms is the Government of the Republic of Armenia, yet the licensing body for the acquisition of firearms is the state governing body(s) authorised by the Government.

In the legislative field of the Republic of Armenia the issues of licensing of firearms production are regulated in detail by the provisions of the order on licensing of firearms production, confirmed by the Government Decision No 2048-N of December 5, 2002 on "the Confirmation of the Order on Firearms Production in the Republic of Armenia". According to the sub-point 1.1 of the aforementioned decision the Police is authorized by the RA Government to issue licenses for the production of civilian and service arms, yet the Ministry of Defence of the Republic of Armenia is authorised to issue licenses for the production of military arms.

1.11

The RA Police implements permanent control over the system of permission for production, possession or utilization of explosive, toxic and radioactive substances. Joint preventive and operation-investigative actions are periodically performed in order to counter the illicit circulation of firearms and ammunition and explosive substances.

Effectiveness of international cooperation in criminal matters

1.12

In accordance with the Council of Ministers of Interior Affairs of CIS countries as well as with the Collective Security Treaty Organization's (CSTO) joint action plans on counter- terrorism

envisaged by CSTO interstate plans, the Police of the Republic of Armenia performs operational-investigative actions aimed at preventing terrorist acts, blocking terrorism financing resources and counteracting illegal circulation of arms and ammunition and explosive substances. The RA Police in cooperation with other law enforcement authorities and state bodies implements complex legal and organizational activities to prevent possible terrorist acts as well as to detect persons under investigation who committed or financed a terrorist act. Significant attention is paid to the question of preventing the society from the ideologies of terrorist organizations.

The Interpol National Central Bureau in Armenia makes use of all the information systems and databases of the Interpol General Secretariat including terrorism-related databases. In particular, the INCB possesses databases on terrorists and terrorist organizations; informative-analytical materials on terrorism financing are provided; Interpol and UN joint cards concerning the members of Al Qaida and the Taliban are released as well as orange cards concerning the methods and techniques used by terrorists. The NCB also uses the lists of individuals and entities associated with Al-Qaida and the Taliban released by the Security Council Committee established pursuant to resolution 1267 (1999).

Information exchange concerning members of terrorist organizations and groups is arranged via the RA INCB as well as among the appropriate services of the CIS member states.

The RA Police conducts activities to create a common information database concerning the terrorist organizations acting in the CIS countries.

1.13

The principle of reciprocity on the issues relating to the implementation of extradition of persons is applied in case of existing international agreements in order and on conditions prescribed by such agreements.

Effectiveness of customs, immigration and border control

1.14

There is 10 000 USD limit for exporting cash across the borders of Armenia, but there is no limitation on importing foreign currency into Armenia. This implies that it is not possible to use Armenia as a transit zone for cash transfer: i. e. to transfer cash from foreign country A to Foreign country B through Armenia. Money should somehow appear in the formal financial sector to get out from Armenia. As far as there is a very broad list of AML/CFT reporting entities and those pay serious attention to identifying, as the Central Bank requires them to report such cases to FIU (FMC), it seems definite that a preventive mechanism is in place to stop illegal money transfer across the boarders of Armenia.

Moreover, the Deputy Head of Customs Committee is a member of the Intergovernmental Committee for AML/CFT, and the institution is well aware of all the consequences and about Special Recommendation 9.

1.15

There is no system of information exchange between the customs and immigration authorities, however every quarter the customs authorities submit information on the import and export transactions performed by **natural** persons to the social security bodies. Such information may be submitted also to the immigration authorities and used by them.

The officials of the immigration authorities are present at all border checkpoints and if necessary they cooperate with the representatives of border, police, security and other authorised bodies.

1.16

The import and export of firearms and bullets are regulated in accordance with the provisions of the Law on Arms. According to Article 17 of the aforementioned law the import and export of military arms and their bullets is performed in order stipulated by the RA Government.

The provisions of the same law prescribe also that import of firearms and bullets may be performed by the supplying legal entities, and the export of firearms- by the legal entities holding licenses for manufacturing of firearms. Import and export of firearms by other entities is regulated in the order prescribed by the RA Government.

Supervision instruments have been created in the field of export of goods and technologies of double-use.

With the purpose to implement the requirements of the RA Law on Supervision of Export and Transit Movement in the Territory of the Republic of Armenia of Goods and Technologies of Double-Use, in accordance with Article 7(3) of the mentioned law the Government Decision No 212-N of February 19, 2004 confirmed the statute of the Commission on Regulation of Export and Transit Movement of Goods and Technologies of Double-Use; the personal staff of the commission has been confirmed as well.

The commission was created with the purpose to ensure the activities and efficient cooperation of state bodies in the field of export control and the organizational-methodological management of the works of export control. It involves quite broad functions, including matters of issuing, rejecting or suspending the already granted permission for export of controlled goods in the cases prescribed by law.

The Republican Military-Technical Commission holds certain powers in the field of Firearms import and export. According to Part 2 (4)(6) of the statute of the Republican Military-Technical Commission verified by the Government Decision No 214-N of February 20, 2003 the Commission in prescribed order makes recommendations concerning the permission of export

and import of arms, ammunition, and other goods and works (including temporary) of military use.

The import and export of goods and vehicles in the customs territory of the Republic of Armenia may be prohibited in cases prescribed by the Customs Code or other legal acts. The Government Decision No 902 of 31 December 2000 (with the edition of the Government Decision No 265 of 31 March 2001) stipulates that transportation of military arms and their ammunition, spare parts and accessories, as well as of the goods classified in the sub-group No. 8710 of the list of goods of external economic activities (tanks and other military armoured cars with or without ammunition, their spare parts or accessories) and No. 9306 (bombs, grenades, torpedoes, mines, missiles and such means of military operations, their spare parts, bullets, other ammunition, arrows and their spare parts), of drugs and narcotic substances controlled in the territory of the Republic of Armenia nuclear substances is performed in the special order prescribed by the Government of the Republic of Armenia.

Currently the Law on Narcotic Drugs and Psychotropic Substances, adopted by the National Assembly on December 26, 2002 is in force. The Law regulates the relationships of import and export of narcotic drugs and psychotropic substances. It should be mentioned that import and export of narcotic drugs is considered as a type of activity subject to licensing. The RA Government adopted the order of licensing of the aforementioned type of activity in compliance with the requirements of the Law on Licensing. Currently the National Assembly adopted with the first reading the relevant draft law, which also regulates the relationships linked to the circulation of narcotic substances.

1.17

The ministries and institutions operating in the territory of the Republic of Armenia equipped with their local computer networks and information databases are not interlinked and do not have monitoring facilities to observe and control information concerning illegal immigration, human trafficking and laundering of incomes obtained as a result of organized criminal activities.

The RA Police worked out and implemented a communication system to perform the monitoring of the aforementioned crimes. The system functions in a real time regime and has been installed at Zvartnots Airport since 2000 as well as at several border checkpoints. Specific activities are carried out to create a common information database in the above-mentioned system.

Certain activities are conducted to increase the level of identity documents' protection. New passport blanks were introduced in 2001, which incorporate about six types of modern protection methods. Since 1998 passport blanks to be issued to minors have been introduced which are categorized by age: from 1 to 3 years old, from 7 to 12 and from 12 to 16 years old.

A new form of entry visas with more modern and effective protection methods was introduced in Armenia in 2003. It should be outlined that the common information database for border

checkpoints contains also information on the persons whose entry to the CIS countries is prohibited; the total computerization of the database is provided by the information system "Visa RA" of the Ministry of Foreign Affairs of the Republic of Armenia.

1.18

The law on the Status of Foreign Citizens in the Republic of Armenia lays down the provisions for entry, residence, movement, transit, exit, acquisition of resident status by a foreign citizen in the Republic of Armenia, and his rights and duties in the Republic of Armenia. Article 32 of the Law reads as follows:

Article 32. Administrative Expulsion of Foreign Citizens from the Republic of Armenia

A foreign citizen may be expelled from the Republic of Armenia in administrative order if his activity threatens the national security of the Republic of Armenia, the public order and welfare, rights and freedoms of citizens, as well as in other cases specified in the legislation of the Republic of Armenia.

Article 33. The Procedure for Administrative Expulsion of Foreign Citizens from the Republic of Armenia

A decision on administrative expulsion of a foreign citizen, except for the foreign citizens who have exclusive resident status, shall be passed by the Minister of Foreign Affairs, on the basis of an opinion rendered by the commission formed by the latter. A representative of the state, who is to defend the interests of the foreign citizen, may be present at the commission's meeting.

A decision on administrative expulsion of a foreign citizen who enjoys exclusive resident status shall be passed by the Minister of Foreign Affairs of the Republic of Armenia in accordance with procedure set forth by the Government of the Republic of Armenia.

The decision on administrative expulsion may be appealed against within seven days to the Prime Minister of the Republic of Armenia by the foreign citizen to be expelled or by a representative of the state who defends his interests. The Prime Minister of the Republic of Armenia shall notify the appellant about his decision within one month.

The foreign citizen, who has been expelled in administrative order, may return only upon permission of the Minister of Internal Affairs of the Republic of Armenia or (if that foreign citizen has exclusive resident status) of the Minister of Foreign Affairs.

Implementation of resolution 1624 (2005)

2.1

The provision stipulated by Article 39(2) of the Criminal Code appears as a legislative measure to prevent cases of incitement to commit terrorist acts. According to the aforementioned provision the abettor is subject to liability under the article which envisages the committed crime, referring to Article 38 of the Code. There is no reference to Article 38 if the abettor appeared simultaneously as a co-perpetrator of the crime. Therefore, incitement to commit a terrorist act is considered as a crime and the abettor bears liability for terrorism.

2.2

The legal basis for denial of safe haven to any person is stipulated in the Law of the Republic of Armenia on Political Asylum. Article 6 of the mentioned law stipulates that the application for being granted political asylum in the RA may be rejected if it turns out that the applicant is prosecuted by the legitimate state body of the RA for the crime within its territory or against it, or if there is no persecution against him/her in his/her country of citizenship or permanent residence, or he/she is prosecuted by that state for the conduct of an act exclusively generating criminal responsibility or for other violation made.

2.3

With the assistance of a number of International Organizations the Government of the Republic of Armenia has taken measures to implement an information system at the border checkpoints of the Republic of Armenia to register the persons and vehicles entering and leaving the country. At present the system operates at Zvartnots, Meghri and Bagratashen border checkpoints. Certain measures have been taken to implement the system in other RA border checkpoints as well. The data referring to the members of terrorist groups, persons involved in terrorist activities received from relevant authorities of foreign countries, counter-terrorism centres and International Legal organizations is recorded in the aforementioned information systems. This method allows to detect and prevent the entry to Armenia of persons linked to terrorist activities.

2.5

Article 226 of the RA Criminal Code lays down liability for the incitement of national, racial or religious intolerance. The Article in question reads as follows:

Article 226. Inciting national, racial or religious hatred.

1. Actions aimed at the incitement of national, racial or religious hatred, racial superiority or humiliation of national dignity, are punished with a fine in the amount of 200 to 500 minimal salaries, or with correctional labor for up to 2 years, or with imprisonment for the term of 2-4 years.

2. The actions envisaged in part 1 of this Article committed:

- 1) publicly or by mass media, with violence or threat of violence;**
- 2) by abuse of official position;**
- 3) by an organized group, are punished with imprisonment for the term of 3 to 6 years.**

**General Assembly
Security Council**

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26 December 2006

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General Assembly
Sixty-first session
Agenda items 13 and 14

Security Council
Sixty-first year

The situation in the Middle East

Question of Palestine

**Identical letters dated 25 December 2006 from the Permanent
Representative of Israel to the United Nations addressed to the
Secretary-General and the President of the Security Council**

I write to inform you of the highly disturbing number of Qassam rockets launched by Palestinian terrorists in the Gaza Strip since the ceasefire went into effect last month. These persisting Palestinian terror attacks not only violate the agreed upon ceasefire, but also place the entire region in alarming and growing danger.

Since the morning of Sunday, 26 November 2006, when the ceasefire agreed upon by Israeli Prime Minister Ehud Olmert and Palestinian Authority President Mahmoud Abbas in the Gaza Strip commenced, until yesterday, Monday, 25 December 2006, 53 Qassam rockets have been fired by Palestinian terrorists at Israel. In the past few weeks alone, 24 rockets were fired, 10 of which landed in Israel. Over the last few weeks, many more Qassam rockets landed in Israel, particularly in the southern town of Sderot, causing injury and trauma to civilians and extensive damage to infrastructure and private property. The barrage of falling rockets gravely disrupts daily life in Sderot and other area communities.

The continuation of Palestinian terror is an outright act of provocation, threatening the viability of sustainable peace and security in our region. The Palestinians must adhere to the agreed upon principles of the ceasefire, and spare no effort to put an end to the violence and terror against Israel.

No country in the world would stand idly by as its citizens were viciously attacked by unceasing terrorism. Israel has exercised tremendous self-restraint in its response to these violations of the ceasefire and assaults on its sovereignty, people, and territory. But Israel has the right to defend itself and its people, as cited in Article 51 of the Charter of the United Nations, and will be compelled to do so if the rocket attacks do not stop.



This message must be clearly conveyed to the Palestinian leadership in order to prevent further deterioration of the situation.

I would be grateful if you would arrange to have the text of the present letter circulated as a document of the sixty-first session of the General Assembly, under agenda items 13 and 14, and of the Security Council.

(Signed) Dan **Gillerman**
Ambassador
Permanent Representative

**Security Council**

Distr.: General
28 December 2006

Original: English

**Letter dated 22 December 2006 from the Secretary-General
addressed to the President of the Security Council**

I have the honour to refer to the Comprehensive Ceasefire Agreement, signed by the Government of Burundi and Palipehutu-Forces nationales de libération (FNL) on 7 September 2006 in Dar-es-Salaam, under the auspices of the Regional Peace Initiative for Burundi and the South African Facilitator of the Burundi Peace Process.

Despite the continued efforts of the South African Facilitation to end the impasse, regrettably, there has been no progress in the implementation of the Agreement in the last three months since the ceasefire entered into force on 10 September 2006. I am therefore encouraged by the outcome of the 16 December 2006 meeting between the Government of Burundi and FNL, which was held in Dar-es-Salaam under the auspices of the Government of the United Republic of Tanzania and the South African Facilitation. I hope that the two parties will now move ahead with the early implementation of the Agreement.

In the meantime, the Security Council would recall that, at the request of the Government of Burundi, the United Nations Operation in Burundi (ONUB) will conclude its mandate on 31 December 2006. Consequently and as a result of the delays in implementation, ONUB will not be able to carry out the tasks envisaged for it under the Ceasefire Agreement. Instead, it is expected that the African Union Special Task Force will perform these tasks.

In this regard, it is also expected that the South African battalion currently deployed with ONUB will remain in Burundi and form part of the African Union Force. On 16 December 2006, an African Union delegation started discussions in Bujumbura with the Government and the United Nations on the modalities for the deployment of the African Union Force. As a result of those consultations, the United Nations received a request on 19 December 2006 from the African Union for the provision of limited logistical assistance, which would be required to ensure that the South African battalion remains operational following the conclusion of the ONUB mandate.

In view of the need to resume the implementation of the Agreement and the vital role that the African Union Special Task Force is expected to play in that regard as of 1 January 2007, it is my intention to respond positively to the request to provide limited logistical assistance to the African Union Special Task Force. It is



also my intention to seek General Assembly approval for the arrangements relating to that request.

I should be grateful if you would bring this urgent matter to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



Security Council

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Letter dated 27 December 2006 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 22 December 2006 (S/2006/1030), concerning your intention to respond positively to the request for limited logistical assistance to the African Union Special Task Force and to seek the General Assembly's approval for the arrangements relating to the above request, has been brought to the attention of the members of the Security Council. They take note of the information and intention contained in your letter.

(Signed) Nassir Abdulaziz Al-Nasser
President of the Security Council



**General Assembly
Security Council**

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General Assembly
Sixty-first session
Agenda items 17 and 27

Security Council
Sixty-first year

The situation in the occupied territories of Azerbaijan

**Protracted conflicts in the GUAM area and their
implications for international peace, security and
development**

**Letter dated 27 December 2006 from the Permanent
Representative of Azerbaijan to the United Nations
addressed to the Secretary-General**

I have the honour to transmit herewith the appeal of the Congress of National Minorities of Azerbaijan to the United Nations, Organization for Security and Cooperation in Europe, Council of Europe, State Department and Congress of the United States of America, Parliament of France, Ministry of Foreign Affairs and State Duma of the Russian Federation on the so-called "constitutional referendum" of the illegal military regime in the occupied Nagorno-Karabakh region of the Republic of Azerbaijan (see annex).

I should be grateful if the present letter and its annex were distributed as a document of the General Assembly, under items 17 and 27 of the agenda of its sixty-first session, and of the Security Council.

(Signed) Agshin Mehdiyev
Ambassador
Permanent Representative



Annex to the letter dated 27 December 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Original: Russian]

Communication from the Congress of National Minorities of Azerbaijan to the United Nations, the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, the Department of State and the Congress of the United States of America, the French Parliament, and the Ministry of Foreign Affairs and the State Duma of the Russian Federation

We, the participants of the Congress of National Minorities of Azerbaijan, express our profound indignation at and strong protest against the so-called "constitutional referendum" which took place in the Nagorno-Karabakh region of the Republic of Azerbaijan on 10 December 2006. This is another defiant provocation staged by the Republic of Armenia and the military occupation regime in a territory that legally belongs to our country.

The separatists have deliberately carried out this objectionable act, which contradicts not only the Constitution of Azerbaijan but also the relevant norms and principles of international law. It is precisely for this reason that the "referendum" will have no legal effect whatever, and its results will be deemed a priori invalid. We are convinced that Armenia, which is officially recognized as an aggressor State, will once again fail in its attempt to mislead the international community, which has ample information about the monstrous policy of ethnic cleansing carried out by Armenia against the peoples of Azerbaijan. As a result, 20 per cent of the territory of Azerbaijan is today under occupation, and more than 1 million Azerbaijanis, Russians, Kurds and persons of other nationalities have become refugees. This policy of genocide has turned Armenia into a mono-ethnic State, with all the associated consequences.

For centuries, representatives of dozens of nations and peoples have lived in peace and harmony in Azerbaijan. Together with Azerbaijanis, they have shared joy and sorrow; in times of trial, they have taken up arms and given their lives to defend the freedom and territorial integrity of Azerbaijan, which is their genuine homeland. Because the national minorities are self-sufficient, they have never felt disadvantaged in any way, and today they enjoy all the rights accorded to citizens of a sovereign and democratic country, while preserving and developing their culture, language and traditions. This was made possible through the sound national policy which was consistently implemented by the national leader Heydar Aliyev, and which is being successfully continued by his successor, President Ilham Aliyev. It is he who is now the firm guarantor of respect for the rights and freedoms of all the country's citizens, irrespective of nationality or creed.

The Armenian people who were resettled in the highland part of Karabakh two centuries ago are citizens of Azerbaijan who have always enjoyed equal rights with the rest of the population.

Armenian schools were functioning in Nagorno-Karabakh, the territory had its own theatre and higher education institution, and Armenians held senior leadership positions and State posts.

However, it is clear that some forces found it advantageous to destroy the inter-ethnic peace and harmony in Azerbaijan and to sow the seeds of discord.

The Congress of National Minorities of Azerbaijan takes this opportunity to declare its full support for the efforts of the Azerbaijani leadership to resolve the Armenian-Azerbaijani conflict relating to Nagorno-Karabakh on the basis of international law. President Ilham Aliyev has repeatedly declared his willingness to grant Nagorno-Karabakh the utmost autonomy, provided that the territorial integrity of Azerbaijan is preserved. However, the policy and actions of the national separatists are aimed at disrupting the peace talks, as demonstrated clearly by the so-called "constitutional referendum" that was announced.

Similar actions by those who are attempting to undermine the peace process run counter to generally accepted democratic standards and values, the rule of law and human rights.

The Congress of National Minorities of Azerbaijan calls on the United Nations, OSCE, the Council of Europe, the Department of State and the Congress of the United States of America, the French Parliament, the Ministry of Foreign Affairs and the State Duma of the Russian Federation, and the whole international community to condemn this illegal act, to refuse to recognize the results of the so-called referendum and to firmly support efforts to find ways of resolving this long-standing conflict in compliance with the principle of the territorial integrity of Azerbaijan, in order to achieve sustainable peace and stability in the region.

The participants of the Congress of National Minorities of Azerbaijan

The Russian Community of Azerbaijan
(Signed) M. Zabelin

The "Samur" National Lezgin Centre
(Signed) M. Muradagaev

The Religious Community of Mountain Jews
(Signed) S. Ikhiilov

The Religious Community of European Jews
(Signed) G. Zelmanovich

The Talysh Cultural Centre
(Signed) S. Asadullaev

The Ukrainian Community of Azerbaijan
(Signed) A. Zarechny

The Tatar Community of Azerbaijan
(Signed) E. Ilyazova

The "Sodruzhestvo" National Society
(Signed) T. Kerimova

The "Ronakhi" Kurdish Cultural Centre
(Signed) K. Gasanov

The Georgian Community of Azerbaijan
(Signed) R. Gvaladze

The Community of Ingilos in Azerbaijan
(Signed) S. Buladzheva

The "Argo" Greek Community of Azerbaijan
(Signed) I. Pilidzhev/Kharai

The "Vozrozhdenie" German National Cultural Association
(Signed) A. Safarov

The "Veten" Turkish Society
(Signed) I. Burkhanov

Baku, 14 December 2006



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Security Council**

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The situation in the Middle East

Security Council
Sixty-first year

**Identical letters dated 27 December 2006 from the Chargé
d'affaires a.i. of the Permanent Mission of Lebanon to the
United Nations addressed to the Secretary-General and the
President of the Security Council**

On the instructions of my Government, I transmit to you herewith a statistical summary of Israeli violations between 15 and 21 December 2006.

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-first session of the General Assembly under agenda item 13, The situation in the Middle East, and of the Security Council. An identical letter has been sent to the President of the Security Council.

(Signed) Caroline **Ziade**
Chargé d'affaires a.i.



**Annex to the identical letters dated 27 December 2006 from the
Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the
United Nations addressed to the Secretary-General and the
President of the Security Council**

**Israeli violations and activities from 15 to 21 December 2006,
inclusive**

Air violations

On 15 December 2006 between 0055 and 0317 an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre headed east, circled over Al-Chouf then departed over Al-Naqoura.

On the same date between 0930 and 1010 an enemy Israeli reconnaissance aircraft circled over the village of Maroun al-Ras.

On 16 December 2006 between 1750 and 1810 an enemy Israeli warplane circled at high altitude over the sea off Al-Naqoura.

On the same date between 1955 and 2015, an enemy Israeli reconnaissance aircraft circled at high altitude over the Al-Naqoura area.

On the same date between 1957 and 2215 an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Aalma al-Chaab, circled over areas of the South and departed over Aalma al-Chaab.

On 17 December 2006 between 1035 and 1130 two enemy Israeli warplanes violated Lebanese airspace over Kfar Kila reaching as far as Chekaa, circled over Chekaa and Jounieh, headed towards Baalbek and departed over Kfar Kila.

On the same date between 1050 and 1054 two enemy Israeli warplanes violated Lebanese airspace over the sea off Tripoli heading east then departed over the sea off Tripoli heading towards Turkey.

On the same date between 1130 and 1530 an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Al-Naqoura, circled over areas of the South then departed over Aalma al-Chaab.

On the same date between 1820 and 1950 an enemy Israeli reconnaissance aircraft circled over Bayt Lif, Al-Qaouzah, Debal, Rshaf and Aaita al-Chaab, violating Lebanese airspace.

On 18 December 2006 between 0810 and 1550 an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre heading east, circled over areas of the South and then departed over Aalma al-Chaab.

On the same date between 1450 and 1700 an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Al-Naqoura heading east, circled over the South and then departed over the occupied Shab'a farmlands.

On 19 December 2006 between 0725 and 1037 an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre, circled over areas of the South then departed over Aalma al-Chaab.

On the same date between 1020 and 1110 four enemy Israeli warplanes violated Lebanese airspace over the occupied Shab'a farmlands, circled over areas in the southern and western Bekaa then departed over Rmaich.

Israeli activities

On 15 December 2006 between 0945 and 1100 enemy Israeli machinery was heard moving in the centre of Ramta (in the occupied Shab'a farmlands).

On 17 December 2006 between 1000 and 1400 enemy Israeli vehicles were heard on the road between Bawabat Tarsus and Malykya (between Aaitaroun and Maroun al-Ras). The first vehicle inspected the electronic fence while four personnel from the second installed an electrical cable along the aforementioned stretch of road.

On 18 December 2006 between 0800 and 1200 on the Lebanese-Palestinian border (at Yaroun) five persons in a dark blue jeep and a white pick-up truck performed maintenance work on the border strip.

On the same date between 0800 and 1400 at the Avivim settlement (at Maroun al-Ras) an enemy Israeli bulldozer and excavator sought to erect a semicircular earth wall along approximately 10 metres of the road adjacent to the border strip.

On 19 December 2006 between 1030 and 1600 two bulldozers belonging to the enemy Israeli forces performed maintenance work on the road inside the occupied Palestinian territories (at Yaroun). Five civilians performed maintenance work on the inner barbed wire fence parallel to the blue line at the same location.

On the same date between 1100 and 1150 heavy armoured enemy Israeli vehicles were heard between Summaqah and Ramta (in the occupied Shab'a farmlands).

On 20 December 2006 between 0845 and 1600 inside the occupied Palestinian territories (at Yaroun) on the road adjacent to the blue line, two enemy Israeli bulldozers, two gravel spreaders and two cement mixers performed road maintenance work and concrete was laid adjacent to the barbed wire fence.

On the same date an Israeli team performed maintenance work on the strip opposite Aaita al-Chaab with a number of personnel, five pick-up trucks, a Merkava tank and two Hummer jeeps.

On the same date between 1100 and 1200 inside the occupied Palestinian territories (at Dhairah) the Israeli enemy carried out excavation works using a Poclain excavator. One of the personnel dismounted from a Hummer jeep and fired in the direction of a berm inside the above-mentioned territories.

On 21 December 2006 between 0900 and 1300 enemy Israeli forces repaired the barbed-wire fence on the blue line (at Labboune).

On the same date at 1949 enemy Israeli forces erected a surveillance camera close to border point B30 (at Ramta — Aaita al-Chaab) pointing in the direction of Lebanese territories at the exit of those two villages.

On the same date between 1030 and 1345 an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre, circled over areas of the South and then departed over Al-Naqoura.

On 20 December 2006 between 0723 and 1000 an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre, circled over areas of the South and then departed over Al-Naqoura.

Sea violations

On 17 December 2006 between 1735 and 1845 an Israeli military launch sent up a flare and fired a number of rounds from medium-calibre weapons at sea off Ras al-Naqoura. It also directed searchlights over Lebanese regional waters.

On 18 December 2006 at 1939 an Israeli military launch sent up a flare at sea off Ras al-Naqoura.

On 19 December 2006 between 1650 and 1700 an Israeli military launch fired a number of rounds from medium-calibre weapons at sea off Ras al-Naqoura.

On 20 December 2006 at 0540 an Israeli military launch sent up two flares at sea off Ras al-Naqoura.

On the same date at 1810 an Israeli military launch sent up a flare at sea off Ras al-Naqoura.

On 21 December 2006 between 0120 and 0525 an Israeli military launch sent up three flares at sea off Ras al-Naqoura.

On the same date at 0906 an Israeli military launch violated regional waters for a distance of one kilometre at a distance of approximately one mile off shore in the Al-Naqoura area, then returned towards occupied Palestinian waters.

On the same date between 1750 and 1820 an Israeli military launch sent up two flares over the sea off Ras al-Naqoura.

Field violations

On 15 December 2006 between 2045 and 2050 the enemy Israeli forces stationed in Tallat al-Rahib (at Aaita al-Chaab) directed searchlights towards Aaita al-Chaab and the woodland surrounding the hill at Tallat al-Rahib.

On 18 December 2006 between 1415 and 1425 Israeli forces strafed the area around their two outposts at Ramta and Summaqah (inside the occupied Shab'a farmlands) with medium weapons fire.

On the same date between 2015 and 2200 Israeli forces directed searchlights at night from their outposts in Tallat al-Rahib (at Aaita al-Chaab) over houses in the village and military base 632.

On 19 December 2006 between 1100 and 1245 the Israeli forces strafed the area around their position in Ruwaysat al-Alam (inside the occupied Shab'a farmlands) with medium and light weapons fire.

On 21 December 2006 at 1059 during a patrol by the Victor team of international observers for the purpose of taking the coordinates of the flags set in place by unknown persons in Yaroun on 18 December 2006, one of the Israeli soldiers aimed his weapon at the flags.

**Security Council**

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28 December 2006
English
Original: French

Report of the Secretary-General on the situation in the Central African Republic and the activities of the United Nations Peacebuilding Support Office in the Central African Republic**I. Introduction**

1. This report is submitted in compliance with the request of the Security Council contained in the statement issued by its President on 26 September 2001 (S/PRST/2001/25), in which the Council requested me to continue to keep it regularly informed of the situation in the Central African Republic and the activities of the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA). This report follows up on the interim report of 19 October 2006 on the Central African Republic (S/2006/828). It covers the period from November to December 2006 and summarizes the situation in its political, socio-economic, humanitarian and security aspects and with regard to human rights.

II. Political situation

2. The political situation during the reporting period was marked by activities on the part of rebel groups in the northern of the country, particularly in the Vakaga prefecture close to Darfur in the Sudan and in Ouham and Ouham Pendé prefectures in the north-west. Long thought to be ordinary "roadblockers", then considered armed bandits, these armed men are now recognized by the Central African authorities as rebel groups who seek to overthrow the regime of President François Bozizé.

3. Three of these rebel movements, which have become very active over time, have formed a coalition, the Union de Forces Démocratiques pour le Rassemblement, whose members attacked and occupied the city of Birao, capital of Vakaga prefecture, on Monday, 30 October 2006, and the neighbouring cities of Ouanda-Djallé and Sam Ouandja. The Government of the Sudan has denied accusations by the Central African Republic that it is supporting the rebellion. It has stated that, on the contrary, it wishes to establish, develop and maintain good-neighbourly relations with the Central African Republic. A high-level Sudanese mission, which visited Bangui on 11 November 2006, reiterated this message from the Sudan.

4. Those involved in the rebellion rampant in the northern part of the Central African Republic include the Armée pour la Restauration de la République et la Démocratie, led by Lieutenant Larma, now in detention; the Front Démocratique du



Peuple Centrafricain, led by Abdoulaye Miskine; and the Union des Forces Républicaines, led by Lieutenant Florian Ndjadder. The Central African Government believes former President Ange-Félix Patassé to be complicit with these insurgents, and some believe that the Union des Forces Républicaines and the rebels in the west are seeking to join forces in order to adopt a common strategy. The nature of the financial and political support received by the rebel movement is still not known with any certainty.

5. In their advance towards the southern part of the country, the Union des Forces Républicaines rebels attacked the city of Ndélé, capital of Bamingui-Bangoran prefecture, approximately 433 kilometres south-west of Birao, on Monday, 27 November 2006. A counteroffensive launched by Government forces, supported by French contingents and contingents of the Multinational Force (FOMUC) of the Central African Economic and Monetary Community, CEMAC, resulted in the retaking of the city of Birao on 27 November, the liberation of Ndélé the same day and later, in December, the liberation of the towns of Sam-Ouandja and Ouanda-Djallé. The international community has unanimously condemned the rebels' actions and opposed all attempts at an unconstitutional seizure of power.

6. Many actions have been taken in parallel in order to find a solution to this political and military crisis. On 7 November 2006, President François Bozizé, the mayors of arrondissements, and neighbourhood and group leaders from the city of Bangui engaged in an exchange of views on the steps to be taken to avoid a military escalation. On 8 November 2006, the Head of State addressed the people of Bangui following a peaceful protest march organized by Central African civil society organizations. From 14 to 18 November, the Panel of the Wise organized a series of national consultations with both opposition and presidential political parties, trade unions, civil society organizations and associations and ambassadors accredited to the Central African Republic. At the regional level, the Chairperson of the Commission of the African Union dispatched his Special Envoy for the Central African Republic, who made a working visit to Bangui from 15 to 18 November 2006. On 7 December 2006, the Peace and Security Council of the African Union held a meeting in Addis Ababa aimed at raising the awareness of member States and partners to the urgency and necessity of assisting the Central African Republic.

7. During these meetings, emphasis was placed on the need to expedite the restructuring of the defence and security forces, on the urgency of normalizing good-neighbourly relations with the countries bordering the Central African Republic and on the holding of a national dialogue or consultation. Such a dialogue, to which the Government is not opposed, could be organized with the involvement of all political stakeholders, under the auspices of the Panel of the Wise in partnership with BONUCA. Despite the military successes in taking back cities occupied by the rebels, I remain convinced that dialogue alone will permit a sustainable resolution to the current crisis.

8. Despite the crisis in the northern part of the country, the National Assembly held its second regular session of the year, which opened on 31 October 2006. Although that session was a budgetary one, the deputies considered and adopted bills and draft laws concerning, among other things, the protection of children, the functioning of the National Assembly, education for young men and women and violence against women.

9. At the subregional level, the situation in Darfur and its repercussions for Chad and the Central African Republic, the accusation brought against the Sudan by Chad and the Central African Republic and the persistent tensions between the Governments of these two countries and the Sudanese regime led the President of the Libyan Arab Jamahiriya, Colonel Muammar Al-Qadhafi, to lend his good offices. In that regard, I welcomed the mini-summit held in Tripoli on 22 November 2006 with the participation of the presidents of the three countries directly affected by the crisis in Darfur, together with the President of Egypt, Mohamed Hosni Mubarak. However, I regret to say that a climate of tension persists among the Sudan, Chad and the Central African Republic that is not propitious to a rapprochement.

10. The President of the Congo, Denis Sassou Nguesso, who is also the current Chairperson of the Assembly of the African Union, has expressed his support for the deployment of an international force at the border between the Sudan, Chad and the Central African Republic in order to avoid the spread of the crisis in Darfur. In that regard he has reaffirmed his support for Security Council resolution 1706 (2006).

11. Within the framework of the implementation of Security Council resolution 1706 (2006), I sent a multidisciplinary technical assessment mission to the Central African Republic and to Chad from 22 November to 3 December 2006, the conclusions and recommendations of which will enable Security Council members to determine the strategy required in order to follow up on the resolution.

III. Military and security situation

12. The security situation deteriorated considerably in October 2006, particularly with the offensive of the Union des Forces Républicaines rebels in the north-western part of the country. In the capital of Bangui, a resurgence of violent criminal hold-ups was noted during the reporting period.

13. In the provinces, in particular in the northern and north-western regions, insecurity is even more acute owing to the combined actions of rebel groups and "roadblockers" and reprisals by the defence and security forces. The reprisals sometimes involve retaliation against the civilian population, whom the members of the Presidential Guard deployed in the field generally consider to be complicit in the rebellion. This has caused displacement of population, as people flee for safety to the fields or forests or neighbouring countries. Such is the case of a number of Peulh herdsmen who have temporarily settled in Cameroon. In the north-eastern part of the country, the attack and seizure of the villages of Birao, Ouanda-Djallé and Sam-Ouandja by Union des Forces Républicaines rebels caused at least 400 people to flee to the Sudanese town of Am Dafok on the border with the Central African Republic.

14. The restructuring of the defence and security forces is going forward and continues to benefit from the technical support of BONUCA. The same is true of the ex-combatant reintegration and community support project, which has entered its final phase. I must note with regret that, in spite of the efforts of the Government and the results obtained under the programme, the proliferation of light weapons still occurs, primarily because of the porous nature of the borders of the Central African Republic.

15. Since June, the BONUCA Civilian Police Section has continued its activities to strengthen the capacity of the Central African police and gendarmerie in partnership with the French Police International Technical Cooperation Service.

Moreover, the BONUCA military team has helped to train many contingents of the Central African Armed Forces. The training has helped to build the professional capacity of the recipients and contributed to the cohesion of the various corps.

IV. Socio-economic situation and outlook

16. The year 2006 was marked by further growth in gross domestic product. Public finances improved slightly; estimated revenues exceeded the budgeted amount of 67 billion CFA francs. However, public expenditures increased owing to the conflict in the northern part of the country and to the increase in subsidies due to the rise in the price of oil. Experts estimate that overall Central African GDP should reach 3 per cent this year.

17. In July 2006, the African Development Bank approved a US\$ 4.9 million grant to the Central African Republic for a national economic management capacity recovery programme. On 28 November 2006 the Executive Board of the World Bank approved a transaction of nearly \$82 million allowing the Central African Republic to clear its arrears. The International Monetary Fund proposed to its Executive Board that it should approve an agreement under the Poverty Reduction and Growth Facility for a three-year period (2007-2009).

18. The financial situation of the Central African Republic should continue to improve thanks to the debt relief anticipated as from mid-June 2007, when the country will reach decision point under the Heavily Indebted Poor Countries Debt Initiative, which is indispensable for the mobilization of resources necessary to finance the country's reconstruction efforts.

V. Humanitarian situation and operational activities for development

19. The humanitarian situation in the Vakaga and Haute-Kotto prefectures is being closely scrutinized. In the northern and north-western parts of the country, particularly in the Kabo/Batangaso/Kaga Bandoro and Paoua triangle, confrontations between rebel groups and government forces have caused the displacement of from 15,000 to 20,000 people, whose flight has made it harder for them to receive humanitarian assistance.

20. Collaboration among agencies of the United Nations system and the partnership established between those agencies and the international non-governmental organizations operating in the field has facilitated the delivery of emergency assistance to those affected by the conflict in the Central African Republic. For example, 50,000 displaced persons have benefited from assistance from the World Food Programme. The Office of the United Nations High Commissioner for Refugees has set up a humanitarian network to gather information on the situation of displaced persons and deliver needed assistance to roughly 50,000 people by the end of 2006. The United Nations Children's Fund has continued its activities, which include, among other things, efforts to repair pumps in the north-western part of the country, provide care for malnutrition cases and combat violations of children's rights in the conflict zones.

21. The country team has received a new allocation of US\$ 2 million from the Central Emergency Response Fund to finance activities in the areas of health,

sanitation and water supply, coordination, support, protection and multisectoral assistance to internally displaced persons. In addition, the humanitarian community partnership team in the Central African Republic has prepared a coordinated aid programme, which it presented to donors on 12 December 2006. The financing sought is \$50 million. The funds collected will make it possible to meet the immediate needs of the internally displaced persons.

22. Operational activities for development have continued in the three areas of cooperation defined in the United Nations Development Assistance Framework (UNDAF) 2004-2006 for the Central African Republic, namely, governance, post-conflict recovery and combating HIV/AIDS.

VI. Human rights situation

23. The lack of security has had a negative impact on the overall human rights situation. Abuses of all kinds have accompanied the various confrontations, ranging from killings to the destruction of basic infrastructure. The presence and actions of armed groups in the northern part of the country, the reprisals of the Central African Armed Forces and the activities of "roadblockers" have been the primary causes of human rights violations in the conflict zones.

24. In the capital, Bangui, the human rights violations reported were due to a resurgence of hold-ups and armed robberies, attributed to unidentified armed gangs but also to some uncontrolled elements of the defence and security forces. In the northern part of the country, many displaced persons are camped in the fields, in very difficult living conditions, in order to escape the abuses of the defence and security forces and rebel groups.

25. With regard to the administration of justice, the situation in general is still marked by the impunity enjoyed by some elements of the defence and security forces, particularly by members of the Presidential Guard.

26. The third regional branch office of the BONUCA Human Rights Section has been operational in Bambari (385 km north-east of Bangui) since 10 October 2006. The branch office launched an awareness-raising and informational campaign on human rights directed at non-governmental organizations and local authorities. The BONUCA Human Rights Section contributed to the process of amending and passing the Central African Penal Code and Code of Criminal Procedure. Thanks to the support of BONUCA, the authorities began work on a national plan of action for human rights. Moreover, on the initiative of BONUCA, a campaign to raise awareness of the importance of protecting women's rights was conducted as part of the commemoration, on 31 October 2006, of the sixth anniversary of Security Council resolution 1325 (2000). Lastly, as part of national capacity-building, the BONUCA Human Rights Section conducted a training seminar for law enforcement agents at Bossangoa from 21 to 24 November 2006.

27. The BONUCA Information Unit continues to pursue its task of promoting BONUCA activities. For the celebration of the International Day of Peace on 21 September, the Unit made an audiovisual presentation to Central Africans entitled "The march towards peace", retracing the Central African Republic's slow but progressive movement towards peace and democracy since the uprisings of 1996-1997. The Unit has also continued to provide technical support to the public and private press. It has organized broadcasts on human rights and the ideals of peace in collaboration with the Human Rights Section and arranged training for

representatives from regional units responsible for promoting democracy and reconciliation in the interior of the country. Its work in that regard has been conducted in partnership with the Communications Ministry responsible for national reconciliation.

VII. Comments/recommendations

28. During the reporting period the security situation deteriorated, especially in the northern part of the country and particularly along the borders with Chad and the Sudan. However, this military and political crisis has brought together political and social stakeholders at the national and regional levels to defend the Republic and the country's territorial integrity. A general consensus has developed in favour of dialogue as a means to overcome differences and consolidate peace.

29. In order to ensure national security, it appears essential to sustain and expedite the restructuring of the national defence and security forces, enhance their operational capabilities and solicit from the international community the support necessary for an extension of the mandate of the Multinational Force (FOMUC) beyond 30 June 2007. It should also be borne in mind that the Government of the Central African Republic has called for the implementation of Security Council resolution 1706 (2006) of 31 August 2006.

30. I welcome the efforts of the Security Council to help restore security along the Central African-Sudanese border. I continue to believe that a parallel process of strengthening national democratic institutions and promoting an inclusive dialogue could relieve the current tensions within the country. In that regard, I recently sent a high-level mission conducted by the Department of Political Affairs to explore the outline of such a dialogue in the Central African Republic with Central African social and political stakeholders and CEMAC leaders.

31. On the economic front, I entertain a lively hope that the support provided by agencies of the United Nations system under the UNDAF framework and the assistance granted by the World Bank on 28 November 2006 will open the way for other development partners, leading to a greater mobilization of resources, continuation of the work of reconstruction and the revival of the economy. I urge all partners to support the efforts deployed towards the socio-economic recovery of the Central African Republic and the consolidation of peace and stability in that country in response to the appeal put forward by the African Union's Peace and Security Council on 7 December 2006.

32. I take this opportunity to express my warmest thanks to the Heads of State of the CEMAC countries for their constant and multifaceted support to the Government of the Central African Republic during this period of great political instability and insecurity. I encourage them to continue their efforts to promote greater mobilization of the Republic's partners. For its part, the United Nations will remain active on behalf of the country. By harmonizing our efforts we can combat effectively the insecurity and political instability and the resulting humanitarian consequences, which gravely threaten the stability of the Central African Republic's neighbours and of Central Africa in general.



Security Council

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Letter dated 27 December 2006 from the Secretary-General addressed to the President of the Security Council

With reference to Security Council resolutions 1575 (2004), 1639 (2005) and 1722 (2006), I have the honour to convey to you the attached letter dated 21 December 2006, which I received from the Secretary-General and High Representative for Common Foreign and Security Policy of the European Union, transmitting the eighth report on the activities of the European Union military mission in Bosnia and Herzegovina (EUFOR), covering the period from 1 September to 30 November 2006.

I would be grateful if you would bring this letter to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



Annex

Letter dated 21 December 2006 from the Secretary-General and High Representative for Common Foreign and Security Policy of the European Union addressed to the Secretary-General

In accordance with the provisions of Security Council resolutions 1575 (2004), 1639 (2005) and 1722 (2006), I attach the eighth three-monthly report on the activities of the European Union military mission in Bosnia and Herzegovina (EUFOR). The report covers the period from 1 September to 30 November 2006. I would be grateful if you would transmit this report to the President of the Security Council.

(Signed) Javier Solana

Enclosure**Report by the Secretary-General and High Representative of the Common Foreign and Security Policy of the European Union on the activities of the European Union military mission in Bosnia and Herzegovina (EUFOR)****I. Introduction**

1. This report covers the period 1 September to 30 November 2006.
2. The Security Council, by its resolutions 1575 (2004), 1639 (2005) and 1722 (2006), requested that Member States, acting through or in cooperation with the European Union (EU), report to the Council on the activity of EUFOR, through the appropriate channels and at least at three-monthly intervals. This document is the eighth such report to the Council.

II. Political background

3. During this reporting period, the general security situation has remained stable. Elections held on 1 October were conducted according to international standards. The Republika Srpska government was established on 30 November with Milorad Dodik appointed as the Prime Minister. The formation of a State Government is not expected until the end of the year and the most optimistic assessment for the establishment of the Federation government is the end of January 2007.
4. The technical talks on a stabilization and association agreement have progressed but requirements for signing of the agreement have not yet been fulfilled, police reform being the main obstacle. Progress continues to be made on proposals for a police reform implementation plan, as required by the October 2005 political agreement. The Directorate for Implementation of police reform is expected to issue a report around 20 December, following which the State and entity governments and parliaments will need to adopt it.

III. EUFOR¹ activities

5. During the reporting period, EUFOR continued to conduct operations in line with its mandate; providing deterrence, ensuring continued compliance in relation to the responsibilities specified in the General Framework Agreement for Peace, annexes 1-A and 2, and contributing to a safe and secure environment.
6. The main effort of EUFOR has been to conduct and support operations in cooperation with local authorities and law enforcement agencies. Particular focus has been given to weapons collection activities, including the development of the

¹ EUFOR currently comprises around 5,700 troops from Austria, Belgium, the Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland; and Albania, Argentina, Bulgaria, Canada, Chile, Morocco, New Zealand, Norway, Romania, Switzerland and Turkey. Cyprus and Malta also contribute to the common costs of this operation.

local authorities' capability to plan and execute such operations. During the reporting period these operations have resulted in the discovery or surrender of 124 small arms, 89,700 rounds of ammunition, 681 hand grenades, 153 mines, 49 kg of explosives and over 19,000 other items (including mortars, rockets and hand-made ordnance). EUFOR has also started an information campaign on weapons collection activities and introduced a toll-free telephone line to allow people to provide anonymous information on illegal weapons.

7. EUFOR was available to provide support to the local law enforcement agencies during the elections on 1 October, but no assistance was requested or required. The situation remained calm and stable throughout the election period.

8. The last regular, scheduled session of the Joint Military Commission, established under Annex 1-A of the Dayton/Paris peace accords, was chaired by the EUFOR commander on 13 September. Inspection and accounting for the contents of weapons and ammunition storage sites and similar tasks have been handed over to the reformed Ministry of Defence, with EUFOR retaining a monitoring role.

9. EUFOR continues to play a key part in the overall EU approach in Bosnia and Herzegovina, working particularly closely with the EU Special Representative and the EU police mission. EUFOR also continues to cooperate closely with NATO headquarters, Sarajevo.

IV. Outlook

10. The EUFOR commander, Major General Gian Marco Chiarini (Italy), hands over command of EUFOR to Rear Admiral Hans-Jochen Witthauer (Germany) on 5 December 2006.

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**Letter dated 28 December 2006 from the Permanent
Representative of Eritrea to the United Nations
addressed to the President of the Security Council**

At a time when we are all preparing for the New Year, let me take this opportunity to underline that the Government of the State of Eritrea remains committed to the full and speedy implementation of the Algiers peace agreements. Hoping the energy and focus of the Security Council and the Secretary-General will be on the full, speedy and unequivocal implementation of the decision of the Eritrea-Ethiopia Boundary Commission without being sidetracked on tangential issues, I wish to draw your attention to the recent special report of the Secretary-General on Ethiopia and Eritrea of 15 December 2006 (S/2006/992).

While my delegation reserves the right to provide comments on several paragraphs of the report at a later date, I wish to limit myself for now to one particular issue to set the records straight. The Secretary-General accuses Eritrea of rejecting the appointment of his Acting Special Representative for the United Nations Mission in Ethiopia and Eritrea (UNMEE), without providing in his report either the concerns expressed or the patience shown by my Government to get the clarifications it sought from his Office.

What the report fails to mention are the facts surrounding the nomination of another United Nations official, prior to the mentioned Acting Special Representative for UNMEE. Not to mention Eritrea's acceptance of the first nomination of the United Nations official, following a note it had received on 31 May 2006 from the Department of Peacekeeping Operations, is a serious omission in the report. What is equally missing in the report is that the nomination of the United Nations official mentioned in the report as a Special Representative of the Secretary-General for UNMEE was done without any explanation as to why the earlier nominee had been dropped. Throughout the contacts and discussions that were held in Asmara and New York with the higher officials of the United Nations, the legitimate request of my Government was ignored to accommodate the wish of others.

If there is a gap of dates between the presentation of the first nominee towards the end of May 2006 and Eritrea's final considered decision on the Acting Special Representative in November 2006, it only shows how much the Government of the State of Eritrea was waiting patiently for a clarification it legitimately sought, including in its meeting on the matter with the Secretary-General himself.



The presentation of the attached démarche (see annex) to the Office of the Secretary-General on 1 November 2006 is further evidence of the attempts made by my Government to avoid embarrassment to anyone or anybody. The most prudent thing to do was to present a report with all the facts stated clearly.

I would be grateful if the present letter and its annex would be circulated as a document of the Security Council.

(Signed) Araya Desta
Ambassador
Permanent Representative

Annex to the letter dated 28 December 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Démarche

The Government of Eritrea once again wishes to register its serious concern and disappointment at the lack of appropriate response for the clarifications it sought from the Secretary-General regarding the reasons why the nomination of Ambassador Tulliameni Kalomoh as Special Representative of the Secretary-General (SRSG) for Eritrea and Ethiopia was changed to Ambassador Azouz Ennifar.

With the clear objective of extending its cooperation to UNMEE, the Government of Eritrea granted agrément to the nomination of Ambassador Kalomoh following a note it received on 31 May 2006 from the UN Department of Peacekeeping Operations (DPKO). Soon after Eritrea's acceptance of Ambassador Kalomoh's nomination as a replacement of Ambassador Legwalla Joseph Legwalla who left office in April 2006, the appointment of Ambassador Azouz Ennifar as SRSG was forwarded to the Government of Eritrea without any explanations as to why the former nominee was dropped.

Eritrea as host country to UNMEE, asked through its offices in Asmara and New York, the justifications for the change made in the nomination. It also strongly protested underlining the fact that the whole exercise lacked standard diplomatic practice and procedure. Eritrea further requested for appropriate remedial action to be taken by the Secretary-General. However, in all of the bilateral meetings carried out with higher officials of UNMEE and DPKO in Asmara and New York, respectively, in spite of Eritrea's insistence for clarification and appropriate remedial action, its legitimate request was completely ignored.

Adding insult to injury, the Government of Eritrea learned through the grapevine that Ambassador Ennifar was appointed by the Secretary-General as Acting SRSG for Eritrea and Ethiopia.

Therefore, the Government of the State of Eritrea:

Reiterating its concern and disappointment about the lack of appropriate response by the Secretary-General to its repeated requests;

Recalling that it has consistently registered its disappointment with the appropriate UN officials in Asmara and New York elaborating that the whole exercise of nominating and appointing the SRSG has violated all terms of established diplomatic communications and protocol; and

Expressing its disappointment that the Secretary-General so far has not taken any remedial action:

- **Reaffirms** its previous position that it has not granted agreement to the nomination of Ambassador Ennifar as SRSG, nor recognizes his position as the Acting SRSG,
- **Expresses** its strong belief that the post of the Special Representative of the Secretary-General should not be left vacant, therefore, urges the Secretary General to nominate, as soon as possible, the replacement of Ambassador Legwalla and to communicate the designated Representative to the appropriate Eritrean authorities through the diplomatic channel, and
- **Urges** the Secretary-General of the United Nations to immediately take steps with the view of rectifying the problem, thus avoiding further embarrassment.

Ministry of Foreign Affairs of the State of Eritrea
Asmara